

REMARKS

Applicants have reviewed the Office Action mailed 01/22/2004 (Paper No. 19) and thank the Examiner for his review of same. Claims 2-17 and 29 have been rejected. In this amendment, claims 2, 6, 8, 10-12, 16 and 17 have been amended. Claims 32-40 have been added; however, no new matter has been added. Claims 15 and 29 have been cancelled without prejudice or disclaimer. Therefore, upon entry of this amendment, claims 2-14, 16, 17 and 32-40 will be pending. Applicants request reconsideration of the pending claims and the withdrawn claims in view of the above amendments and the following remarks.

I. Claim Rejections Under 35 U.S.C. §102

Claims 2-10 and 12-17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,186,557 to Funk. Claim 29 has been cancelled rendering the rejection with respect to this claim moot. Claims 2-10 and 12-17 have been amended to depend from new claim 32.

Rejections under 35 U.S.C. § 102 require that a single reference disclose each and every claim element either expressly or inherently. *In re Roberson et al.*, 169 F.3d 743, 745 (Fed. Cir. 1999). To anticipate, a single reference must describe the subject matter claimed in the patent with sufficient detail and clarity to demonstrate that the subject matter existed and that a person of ordinary skill in the art would have recognized its existence in the asserted prior art reference. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545 (Fed. Cir. 1998). Therefore, a claim is anticipated only if each and every element as set forth in the claim is expressly or inherently described in a single prior art reference. *See MPEP §2131*.

Regarding claims 2-14, 16, 17 and new claims 32-40, nowhere does Funk disclose a first member including a *retaining formation having at least one engagement feature* or a locking member positioned between the *retaining formation* and a second member when the first and second members are connected. Instead, Funk discloses a coupling assembly that includes a male member having an end section (8) that includes an external serration (35), which mates with an internal serration (36) in a female member. Unlike the claimed invention, the retaining formation in the Funk coupling assembly (i.e., conical surface (9), cylindrical surface (10) and support element (12)) does not include an engagement feature configured to mate with a locking feature in the female member to inhibit rotation of one coupling member relative to the other

coupling member during connection thereto. In fact, Funk teaches away from including at least one engagement feature in the retaining formation, since the Funk retaining formation (i.e., conical surface (9), cylindrical surface (10) and support element (12)) includes a split wire locking ring, which by its very nature precludes the use of engagement features to inhibit rotation.

The claims that depend from new claim 32 include additional patentably distinct limitations and, therefore, are patentably distinct as well. For example, Funk fails to disclose a coupling assembly having an engagement feature that comprises a plurality of tabs, as recited in claim 8, or a locking feature that comprises a plurality of slots that are configured to receive the tabs, as recited in claim 9. Instead, Funk discloses a coupling assembly that includes a number of serrations 35, 36.

II. Claim Rejections Under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Funk in view of U.S. Patent No. 4,280,723 to Moldestad. For at least the following reason, Applicants respectfully disagree.

MPEP Section 2143 sets forth the basic requirements for the Patent and Trademark Office to establish prima facie obviousness as follows: “To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Regarding claim 11, Funk and Moldestad fail to teach or suggest each of the limitations recited in the claims. More particularly, for the reasons stated above, Funk fails to disclose a first member including a *retaining formation having at least one engagement feature* or a locking member positioned between the *retaining formation* and a second member when the first

and second members are connected, as recited in Applicants' claims. Moldestad fails to make up for the deficiencies of Funk. Moreover, unlike the claimed invention, Moldestad permits the coupling members to rotate relative to one another to secure the members together.

However, even if Funk and Moldestad taught or suggested each of the limitations recited in the claims, which they do not, Funk teaches away from the claimed invention. Particularly, Funk requires a small angular distance (w) between equidistantly spaced teeth of the serrations, which provides for a large number of coupling positions. *See* Funk, column 8, lines 44-51.

For at least these reasons, the Examiner has failed to set forth a prime facie case of obviousness under §103, and the rejection should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65857-0033 from which the undersigned is authorized to draw.

Dated: 4/22/04

Respectfully submitted,

By 
Bradley J. Dieckrich

Registration No.: 47,526

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

(248) 594-0651

Attorney for Applicants